

REMARKS

Claims 1-6 are all the claims pending in the application, the claims having been editorially amended to more clearly define the invention. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

The undersigned acknowledges with appreciation the courtesies of the telephone interview on July 14, 2006. It was explained to the undersigned that the dismissal of the patentability argument based on direction-specific resources was due to the multiple uses of the word “or” in the independent claims. Claims 1 and 6 have now been amended to address the editorial issues raised by the examiner in paragraphs 2-5 of the Office action, eliminating redundant expressions that do not change the scope of the claims.

Claims 1 and 6 are rejected for anticipation by Tomic. Claims 2-5 are rejected as unpatentable over Tomic in view of Hwang. These rejections are traversed for the reasons set forth in the response filed March 14, 2006, and for the additional reasons given below.

As pointed out in the earlier-filed response, Tomic discusses protection resources but does not discuss direction-specific protection resources. In the Advisory Action mailed February 3, 2006, the examiner dismissed this distinction on the grounds that there was no limitation in the claims as to direction specific resources. Applicants disagree that this was not a requirement of the claim, but did the expedient thing of filing an RCE accompanied by an amendment which modified the claim language so that the examiner’s position would no longer be tenable. The examiner has now repeated the rejections, and in the section titled “Response to Arguments” at

pages 7-8 of the Office action has again dismissed the distinguishing argument on the grounds that it is not supported in the claim language.

Regarding paragraph 15 of the remarks, the examiner characterizes Tomic as teaching groups comprising or using protection resources associated with a sending or receiving direction. But since Tomic does not say anything about protection resources being associated with any direction, it can only be considered to teach bidirectional protection resources. The only way the examiner could possibly (and, applicant submits, unreasonably) read the claim language on Tomic would be to consider a bidirectional protection resource to be associated with both a sending and receiving direction and therefore satisfying the claim language about a protection resource being “associated with a sending or receiving direction.” But the claim has been amended to recite that the protection resources are “associated with *a specific one of* a sending or receiving direction.” To interpret this language as reading on a bidirectional protection resource is unreasonable.

As to paragraph 16 of the remarks, the claim formerly included “or” operators, but not at the point of argued distinction. Even after all of the “or” expressions are taken into account, the claim still recited that the resource organization or information model includes groups. And the claim required that the groups comprised or used protection resources associated with a specific one of a sending or receiving direction. Tomic does not disclose protection resources associated with a specific one of a sending or receiving direction. It is a limitation clearly recited in the claim, and clearly not taught by Tomic. The “or” operators elsewhere in the claim are irrelevant to the issue of patentability over Tomic.

Amendment Under 37 C.F.R. § 1.111
USSN 09/955,956

In any event, the “or” expressions have been eliminated by the above amendments. Tomic teaches only bidirectional protection resources and does not teach protection resources associated with only a specific one of sending and receiving directions, nor is this feature taught in any of the other art of record. The examiner refers to paragraphs 12-16 and 65-67 of Hwang, but these excerpts simply describe unidirectional cross-connects. There is no discussion of a protection resource that is direction specific, i.e., that is available for protection of an active resource that is associated with one direction of transmission.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 20, 2006

/DJCushing/
David J. Cushing
Registration No. 28,703